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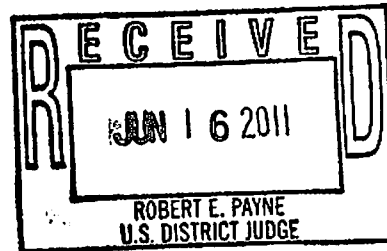
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June 16, 2011

VIA EMAIL

Daniel McDonald
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RECEIVED
JUN 16 2011
ROBERT E. PAYNE
U.S. DISTRICT JUDGE

Re: *ePlus, inc. v. Lawson Software, Inc.*
      Civil Action No. 3:09cv620 (REP)

Dear Dan:

You have invited us to seek information with respect to Lawson's alleged new product Requisition Center (RQC).

Given the course of the correspondence — including the "moving target" contentions — as well as the use of that correspondence during the recent briefing before the District Court and the Federal Circuit, we have grave concerns as to the legitimacy of the contentions made by Lawson as to RQC.

Nevertheless, we are taking you up on your offer to provide information about RQC. Instead of traveling to Minnesota for a demonstration of RQC, we would appreciate it if you would provide us with a laptop loaded with the software as had been previously done in the litigation. Attached is an Addendum identifying the information sought. We will maintain all such information provided by Lawson in a manner consistent with the terms of the Protective Order in the case.

Sincerely,

Scott L. Robertson

Attachment
cc: The Honorable Robert E. Payne
      U.S. District Judge

Addendum

Documents

- Source code for a complete procurement system including Lawson's Core S3 Procurement System (Lawson System Foundation, Process Flow, Inventory Control, Requisition and Purchase Order modules) as it is integrated with Requisition Center, Procurement Punchout and EDI.

- A fully-functional demonstration system which includes an executable version of the current releases for Lawson's Core S3 Procurement System (Lawson System Foundation, Process Flow, Inventory Control, Requisition and Purchase Order modules) as it is integrated with Requisition Center, Procurement Punchout and EDI. The demonstration system should include the same demonstration product data as included in the laptop demonstration system Lawson produced in fact discovery in this matter and should also have the same two Punchout vendors accessible via punchout connections (Staples, Dell).

- Documents that include any comparison of the functions, features, methods, processes, systems, components and/or characteristics of Lawson's Requisition Self-Service product to its Requisition Center product including engineering analyses, marketing analyses, design documentation and customer communications.

- Documents comparing Lawson's Requisition Center product to the claims of ePlus's '683, '516 and '172 Patents.

- Documents that evidence any differences between the Requisition Self-Service and Requisition Center product.

- Documents that relate to or evidence any steps, procedures or efforts made by Lawson to avoid infringing the claims of ePlus's '683, '516 and '172 Patents including documents and things that relate to your efforts to design, redesign or modify the Requisition Self Service product.

- Documents showing the performance, specifications, functional characteristics and capabilities of Lawson's Requisition Center product.

- Technical descriptions, requirements, design and functional specifications, help files, and other documents sufficient to enable a software engineer or programmer to understand the operation of the Requisition Center product and that product as integrated with Lawson's Core S3 Procurement System and/or as integrated with Lawson's Core S3 Procurement System, Procurement Punchout and/or EDI.

- All functional and/or design specifications, high-level design documents, marketing requirements documents, flow charts, product architectural documents, source code, instruction manuals, training manuals, operation manuals,

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administrator manuals, implementation manuals or instructions, support documentation, administrative screen shots, product release notes, and help texts relating to the Requisition Center product and to such product as integrated with Lawson's Core S3 Procurement System and/or the Core S3 Procurement System and Procurement Punchout and/or the Core S3 Procurement System, Procurement Punchout and EDI.

- All operation manuals, training manuals, system administration manuals for Lawson's Requisition Center Product.

- All brochures, advertisements, presentations, speeches, seminars, webinars and/or training programs related to Lawson's Requisition Center product.

- All product release notes, product introduction notifications, technical bulletins, product updates notifications and/or customer communications concerning the introduction of Lawson's Requisition Center product.

- Copies of each notification sent to each customer pursuant to the terms of the Court's Injunction Order.

- Copies of each notification sent to Lawson implementation subcontractors or partners informing such entities of the terms of the Court's injunction order.

- Copies of each notification sent to any entity that is in active concert or participation with Lawson in performing any marketing, training, installation, implementation, maintenance and support services that are enjoined in order to inform such entities of the terms of the Court's Injunction Order.

- Any opinions of counsel as to alleged noninfringement or infringement of the Requisition Center product compared to the claims of ePlus's '683, '516 and/or '172 Patents.

Additional Information

- Identify all steps taken to comply with the injunction's requirement that Lawson cease "circulating, publishing or disseminating within the United States any literature or information that encourages the use, sale or importation of any of the Infringing Products and Services."

- Identify any customers as to whom Lawson has failed to provide notice of the terms of the Injunction Order and provide an explanation as to why notice has yet to be provided.

- Identify each customer to whom Lawson has provided the Requisition Center product. Identify each customer that has downloaded the Requisition Center product. Identify each customer for whom Lawson has provided assistance in connection with installation and implementation of Requisition Center.

- Identify all customers who had Infringing Systems and who have replaced the Requisition Self Service product with the Requisition Center product.

- Identify all customers who have refused to replace Requisition Self-Service with Requisition Center.

- Identify all persons involved in the development of the Requisition Center product and identify their roles in connection therewith.

- Identify with specificity the portions of the S3 system source code produced during discovery that were modified to create the Requisition Center product and produce copies of the modified portions of the code.

- Identify the manner in which Lawson's customers may receive a copy of the Requisition Center product.

- Describe the process used to install and integrate the Requisition Center product into the core S3 Procurement System.

- Describe how the Requisition Self-Service code is removed from the an S3 Procurement System and is replaced with the code for the Requisition Center product.

- Describe how the Requisition Center integrates with the Procurement Punchout code.

- Identify any customers having an S3 Procurement system including Procurement Punchout who have integrated the Requisition Center product with the Procurement Punchout code.

- Identify the steps taken by Lawson personnel to remove the Requisition Self-Service code from customers' systems and replace it with Requisition Center code. Identify all customers for whom Lawson has performed such services.

- Confirm that Lawson has removed from its website all literature or information concerning its Requisition Self-Service and Punchout products.

- Identify all steps taken by Lawson to cease provision of maintenance and support services relative to the Infringing Products and Services (as defined in the Court's Injunction Order).

- Identify all steps taken by Lawson to cease provision of training and instructional services relative to the Infringing Products and Services.

- Identify all steps taken by Lawson to cease the provision of installation, implementation and consulting services relative to the Infringing Products and Services.

- Identify the "customers [who had] selected Lawson to provide S3 Supply Chain Management software, which includes RSS and Punchout, . . . , but did not complete their purchases before the injunction issued," as indicated in Lawson's Emergency Motion to Stay filed with the Federal Circuit. Provide copies of any communications from Lawson to notify such customers of the terms of the Injunction. Indicate what, if any, alternatives Lawson has proposed to such customers.